



GP 1635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Fung, Y. K. *et al.*

§ ART UNIT: 1635

FILED: August 17, 1999

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EXAMINER:

SERIAL NO.: 09/376,774

§

Zara, J.

§

§

FOR: *Methods to Enhance and*

*Confine Expression of Genes*

§

DOCKET:

D 6087

§

The Assistant Commissioner of Patents and Trademarks  
**BOX NON-FEE AMENDMENT**  
Washington, DC 20231

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**CERTIFICATE OF MAILING UNDER 37 CFR 1.8**

Dear Sir:

I hereby certify under 37 CFR 1.8 that the following correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to Commissioner of Patents and Trademarks, Washington DC 20231.

- 1) Response to Notice to Comply with Sequence Requirements (3 Pages); and,
- 2) Return Postcard

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

Date: 7/11/00  
McGREGOR & ADLER, LLP  
8011 Candle Lane  
Houston, Texas 77071  
(713) 777-2321  
badler1@houston.rr.com

Benjamin Aaron Adler  
Benjamin Aaron Adler, Ph.D., J.D.  
Counsel for Applicant  
Registration No. 35,423



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#3  
A. J.  
7/24/00

The Assistant Commissioner of Patents and Trademarks  
BOX NON-FEE AMENDMENT  
Washington, DC 20231

**RESPONSE TO NOTICE TO COMPLY**  
**WITH SEQUENCE REQUIREMENTS**

Dear Sir:

In response to the Office Action mailed June 12, 2000,  
please enter the following remarks. Reconsideration of the pending  
claims in view of the amendments and arguments herein is  
requested.

**REMARKS**

**Notice to Comply with Requirements for Sequence Disclosures**

A "Notice to Comply with Requirements for Patent  
Application Containing Nucleotide Sequence and/or Amino Acid

Sequence Disclosures" has been issued for the above referenced patent application. This requirement is respectfully traversed.

The Examiner has stated that the above referenced application contains sequence disclosures that are encompassed by the definitions for nucleotide and amino acids sequences under 35 C.F.R. §1.821(a)(1) and (a)(2). The Applicant respectfully disagrees.

The specification and claims make references to specific segments of known sequences but no actual sequences are disclosed in the application. The referenced sequences are sequences from promoters, gene, plasmid constructs etc. well known to those of skill in the art. Therefore, no need was seen to list the actual sequences. These sequences are disclosed by the common names of the known genes, promoters, and constructs. These names should not be confused as being sequence disclosures themselves. For example, TAKON is not a sequence but is rather the name of a nucleotide binding protein. SCID is the name of a strain of mouse. TET-ON is the name of a well known gene promoter. bHLHLZ is a the name of a protein domain. Numerous other examples could be cited. Nevertheless, as no actual sequences are disclosed in the instant application, the Applicant respectfully requests that the "Notice to Comply with Requirements for Patent Application Containing

Nucleotide Sequence and/or Amino Acid Sequence Disclosures" for  
be withdrawn.

This is intended to be a complete response to the Office  
Action mailed June 12, 2000. If any issues remain, please telephone  
the attorney of record for immediate resolution.

Respectfully submitted,

DATE: July 9, 2000



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Application No.: 09/376,774

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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